

**APPENDIX****Sent to Governor****(May 22, 1975)****S.C.R. 57****S.C.R. 64****S.B. 113****S.B. 195****S.B. 304****S.B. 437****S.B. 527****S.B. 643****S.B. 729****S.B. 796****S.B. 845****S.B. 924****S.B. 950****EIGHTIETH DAY**  
**(Friday, May 23, 1975)**

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: McKnight.

(President in the Chair)

A quorum was announced present.

The Reverend Clinton W. Kersey, Deputy Executive Director and Supervising Chaplain, Texas Youth Council, offered the invocation as follows:

Our Heavenly Father:

Thank You for the night and for rest for the labors of this day.

We invoke Thy blessings on this legislative body that each one might have the wisdom of Solomon, patience of Job, and compassion and love of Jesus that when this day is done You, and the people of Texas can say it has been good and beneficial to all.

Calm the flustered, restore courage to the discouraged, forgive us our sins.

In the name of Jesus we pray. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### LEAVE OF ABSENCE

Senator McKnight was granted leave of absence for today on account of illness on motion of Senator Moore.

#### MESSAGE FROM THE HOUSE

Hall of the House of Representatives  
Austin, Texas, May 23, 1975

Honorable William P. Hobby  
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

**S.B. 925**, A bill to be entitled An Act relating to the authority of the State Board of Insurance and the state fire marshal appointed by the board over the regulation of fire alarm and fire detection devices and systems, the investigation of arson, and implementation of other laws, rules, and regulations concerning the state fire marshal; amending Chapter 5, Insurance Code, as amended by adding Article 5.43-2; amending Chapter 1, Insurance Code, as amended by adding Article 1.09A; repealing Subsection (b), Article 1.09, Insurance Code; providing a penalty; and declaring an emergency. (With amendments)

**S.B. 761**, A bill to be entitled An Act relating to public mass transportation; amending Articles 6663 and 6669, Revised Civil Statutes of Texas, 1925, as amended; repealing Chapter 615, Acts of the 61st Legislature, Regular Session, 1969 (Article 4413(34), Vernon's Texas Civil Statutes); and declaring an emergency. (With amendment)

**S.B. 571**, A bill to be entitled An Act relating to candidates for district offices covering more than one county paying a proportionate amount of the filing fee to each appropriate county chairman; relating to the conduct, financing and funding of primary elections; relating to the proper party chairman with whom candidates must file an application for a place on the ballot, and further relating to the deadline for filing an application for a place on the ballot; relating to the establishment of a primary fund, and further relating to the filing by the county chairman of a sworn audit or financial statement with the county clerk; amending the Texas Election Code as follows: adding new Sections 185a and 185b; amending Section 186, as amended (Article 13.08, Vernon's Texas Election Code); adding new Sections 186a and 186b; amending Subsection 2 of Section 190 and Subdivision 5 of Section 196, as amended (Articles 13.12 and 13.18, Vernon's Texas Election Code); repealing Sections 193 and 194, as amended (Articles 13.15 and 13.16, Vernon's Texas Election Code), and Articles 13.07a, 13.08a, 13.08b, 13.08c, 13.08c-1, 13.08c-2, 13.08c-3 and 13.08c-4, Vernon's Texas Election Code, as amended; providing for severability of provisions; and declaring an emergency. (With amendments)

The House concurred in Senate amendments to **H.B. 1660** by non-record vote.

The House concurred in Senate amendments to **H.C.R. 24** by non-record vote.

The House concurred in Senate amendments to **H.B. 1925** by non-record vote.

May 23, 1975, the House has adopted the Conference Committee Report on House Bill 365 by a vote of 122 ayes, 6 noes.

Respectfully submitted,  
**DOROTHY HALLMAN**  
Chief Clerk, House of Representatives

#### REPORTS OF STANDING COMMITTEES

Senator Brooks submitted the following report for the Committee on Human Resources:

**H.B. 2003** (Amended)

Senator Sherman submitted the following reports for the Committee on Natural Resources:

**H.B. 1089**  
**H.B. 1316**  
**H.B. 1483**  
**H.B. 793**  
**S.B. 1118**  
**H.B. 1618**  
**H.C.R. 113**  
**H.C.R. 111**

Senator Schwartz submitted the following reports for the Committee on Jurisprudence:

**H.B. 109** (Amended)  
**H.B. 201** (Amended)  
**H.B. 1244**  
**H.B. 1984**  
**H.B. 1953**  
**H.B. 9**  
**H.B. 10**  
**H.B. 930**

Senator Mauzy submitted the following reports for the Committee on Education:

**H.B. 313**  
**H.B. 688**  
**H.B. 1039**  
**H.B. 1379**  
**H.B. 1538** (Amended)  
**H.B. 1892**  
**S.B. 607** (Amended)  
**H.B. 491** (Amended)

Senator Moore submitted the following reports for the Committee on State Affairs:

**H.B. 659**  
**S.B. 859** (Amended)  
**H.B. 4** (Amended)  
**C.S.H.B. 819** (Read first time)

#### **SENATE BILL AND RESOLUTIONS ON FIRST READING**

The following local bill and resolutions were introduced, read first time and referred to the Committee indicated:

By Senator McKinnon:

**S.B. 1124**, A bill to be entitled An Act relating to the date for election of commissioners of the Nueces County Drainage and Conservation District No. 2; amending Chapter 520, Acts of the 57th Legislature, Regular Session, 1961, by adding Section 5A; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Longoria:

**S.C.R. 88**, Memorializing Congress to provide financial aid to school districts along border where large proportion of non-citizen students are enrolled.

To Committee on Administration.

By Senator Hance:

**S.C.R. 89**, Commending Texas Tech University.

To Committee on Administration.

#### **CO-AUTHOR OF SENATE BILL 1110**

On motion of Senator Patman and by unanimous consent, Senator Doggett will be shown as co-author of **S.B. 1110**.

#### **COMMITTEE SUBSTITUTE HOUSE BILL 275 ON THIRD READING**

Senator Meier asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**C.S.H.B. 275**, A bill to be entitled An Act setting uniform dates for holding general and special elections in this state, adjusting existing election dates and terms of office to the uniform dates, and authorizing political subdivisions to hold joint elections; adding Sections 9b and 9c to the Texas Election Code; providing an effective date and termination date; and declaring an emergency.

There was objection.

Senator Meier then moved to suspend the regular order of business and take up **C.S.H.B. 275** for consideration at this time.

The motion prevailed by the following vote: Yeas 19, Nays 8.

Yeas: Adams, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Hance, Harrington, Lombardino, Longoria, Mauzy, Meier, Mengden, Moore, Ogg, Patman, Schwartz and Traeger.

Nays: Aikin, Creighton, Gammage, Jones, Kothmann, Sherman, Snelson and Williams.

Absent: Harris, McKinnon and Santiesteban.

Absent-excused: McKnight.

The President laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### RECORD OF VOTES

Senators Adams, Farabee, Sherman, Snelson and Williams asked to be recorded as voting "Nay" on the final passage of the bill.

#### SENATE BILL 27 WITH HOUSE AMENDMENT

Senator Doggett called S.B. 27 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

#### AMENDMENT NO. 1

Add a new Section 10 and renumber Section 10 as Section 11.

"Sec. 10. A person not disabled or not transporting a disabled person that parks a vehicle with such special device in any parking space or parking area designated specifically for the physically handicapped shall be guilty of a Class C misdemeanor."

Amend the caption to include the penalty.

The House amendment was read.

Senator Doggett moved to concur in the House amendment.

The motion prevailed.

#### MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on State Affairs, Sub-Committee on Nominations:

Austin, Texas  
May 23, 1975

#### TO THE SENATE OF THE SIXTY-FOURTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be a Member of the Texas Water Rights Commission: For a six-year term to expire February 1, 1977: Mr. Joe R. Carroll of Snyder, Scurry County is replacing Mr. N. Burke Holman of Houston, Harris County who resigned.

Respectfully submitted,  
DOLPH BRISCOE  
Governor of Texas

#### CONFERENCE COMMITTEE REPORT ON SENATE BILL 300 ADOPTED

Senator Snelson called from the President's table the Conference Committee Report on **S.B. 300**. (The Conference Committee Report having been filed with the Senate and read on May 20, 1975.)

Senator Mauzy raised the Point of Order against further consideration of the Conference Committee Report on **S.B. 300**, stating the conferees disregarded the instructions of the Senate.

The President overruled the Point of Order, stating that Senate Rules are silent on who should decide whether a Conference Committee has complied with its instructions. When Senate Rules are silent, the President of the Senate is instructed to decide questions "according to parliamentary practice; laid down by approved authors subject to appeal to the entire Senate..." (Senate Rule 50). Precedent in both the House of Representatives and Senate of the State of Texas is that a Conference Committee Report should not be ruled out on a Point of Order that instructions have been disobeyed. The members of the Senate may decide the question by voting to accept or to reject the Conference Committee Report.

Senator Mauzy then moved the conferees be discharged and that a new Conference Committee be appointed.

The motion was lost by the following vote: Yeas 10, Nays 20.

Yeas: Braecklein, Brooks, Clower, Doggett, Gammage, Harrington, Kothmann, Mauzy, Patman and Schwartz.

Nays: Adams, Aikin, Andujar, Creighton, Farabee, Hance, Harris, Jones, Lombardino, Longoria, McKinnon, Meier, Mengden, Moore, Ogg, Santiesteban, Sherman, Snelson, Traeger and Williams.

Absent-excused: McKnight.

Question recurring on the adoption of the Conference Committee Report, the report was adopted by the following vote: Yeas 24, Nays 6.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Farabee, Hance, Harrington, Harris, Jones, Lombardino, Longoria, McKinnon, Meier, Mengden, Moore, Ogg, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Clower, Doggett, Gammage, Kothmann, Mauzy and Patman.

Absent-excused: McKnight.

#### COMMITTEE APPOINTED

In accordance with the provisions of **H.C.R. 132**, the President announced the appointment of the following Committee to Escort distinguished guests to the Joint Session: Senators Aikin and Gammage.

**SENATE BILL 1123 ON SECOND READING**

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 1123**, A bill to be entitled An Act ratifying, confirming, approving and validating all actions taken by the Board of Directors of Montgomery County Municipal Utility District No. 19, in excluding 56.6888 acres of land, more or less, from said District; providing a savings clause; and declaring an emergency.

The bill was read second time and was passed to engrossment.

**SENATE BILL 1123 ON THIRD READING**

Senator Moore moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1123** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: McKnight.

**HOUSE BILL 785 ON SECOND READING**

Senator Moore asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**H.B. 785**, A bill to be entitled An Act relating to the tuition fees institutions of higher education collect from students who are citizens of any country other than the United States of America; amending Subsections (h) and (i), Section 54.051, Texas Education Code, as amended; and declaring an emergency.

There was objection.

Senator Moore then moved to suspend the regular order of business and take up **H.B. 785** for consideration at this time.

The motion prevailed by the following vote: Yeas 20, Nays 10.

Yeas: Adams, Andujar, Braecklein, Brooks, Creighton, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, McKinnon, Meier, Mengden, Moore, Ogg, Schwartz, Snelson, Traeger and Williams.

Nays: Aikin, Clower, Doggett, Farabee, Gammage, Hance, Mauzy, Patman, Santiesteban and Sherman.

Absent-excused: McKnight.

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time.

Senator Moore offered the following Committee Amendment to the bill:

Amend **H.B. 785** by striking all language below the enacting clause and substituting in lieu thereof the following:

Section 1. Subparagraph (h), Section 54.051, Texas Education Code, is amended to read hereafter as follows:

"(h) Tuition for students who are citizens of any country other than the United States of America shall be the same as that for other nonresident students, except the governing board of each institution of higher education may permit such foreign students to pay the same tuition as resident students, based upon financial or economic need, as prescribed in policies, guidelines and regulations established by the Coordinating Board, Texas College and University System under Sec. 61.072 of this code ~~(is \$14 per semester credit hour, but the total of such charge shall not be less than \$200 per semester or 12 week summer session, and not less than \$100 per 6 week summer term).~~"

Sec. 2. Subparagraph (i), Section 54.051, Texas Education Code, is amended to read hereafter as follows:

"(i) Tuition for students who are citizens of any country other than the United States of America registered in a medical or dental branch, school or college shall be the same as that for other nonresident students, except the governing board of each institution of higher education may permit such foreign students to pay the same tuition as resident students, based upon financial or economic need, as prescribed in policies, guidelines and regulations established by the Coordinating Board, Texas College and University System under Sec. 61.072 of this code ~~(is \$800 per academic year of 12 months).~~"

Sec. 3. The Texas Education Code is amended by adding a new Sec. 61.072 to read as follows:

"Sec. 61.072. Regulation of tuition of foreign students on the basis of need.

"The board shall establish and prescribe policies, guidelines and regulations on the basis of economic or financial need, to be followed by the governing board of each institution of higher education in permitting students who are citizens of any country other than the United States of America to pay the same tuition as that for resident students."

Sec. 4. The provisions of this Act shall be applicable only to those foreign students who enter state colleges and universities for the first time after the effective date of this Act.

Sec. 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be



suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Committee Amendment was read.

Senator Doggett offered the following amendment to the Committee Amendment:

Amend Committee Amendment to **H.B. 785**, by adding the following language after the word "code" where it appears in quoted Subsections (h) and (i) of Section 1:

"; however, where a student is a citizen of a country that charges citizen of the United States tuition at publicly funded colleges and universities in an amount which is equal to or less than \$200 per semester or 12 week summer session or comparable period; or \$100 per 6 week summer term or comparable period, as determined by the Coordinating Board, Texas College and University System, such student shall be charged the same tuition as a Texas resident."

The amendment was read and was adopted.

The Committee Amendment as amended was then adopted.

Senator Snelson offered the following amendment to the bill:

Amend **H.B. 785** by adding a new section to be appropriately numbered to read as follows:

"Section \_\_\_\_\_. Section 54.051, Texas Education Code, is amended by adding a new Subsection (q) to read as follows:

"Subsection (q). A student who is a citizen of any country other than the United States of America holding a competitive scholarship of at least \$200 for the academic year or summer for which he is enrolled is entitled to pay the fees and charges required of Texas residents without regard to the length of time he has resided in Texas, provided that he must compete with other students, including Texas residents, for the scholarship and that the scholarship must be awarded by a scholarship committee officially recognized by the administration of the institution of higher education."

The amendment was read and was adopted.

On motion of Senator Moore and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

#### RECORD OF VOTES

Senators Mauzy, Gammage and Doggett asked to be recorded as voting "Nay" on the passage of the bill to third reading.

#### HOUSE BILL 785 ON THIRD READING

Senator Moore moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 785** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 6.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Farabee, Gammage, Hance, Harrington, Harris, Jones, Lombardino, Longoria, McKinnon, Meier, Mengden, Moore, Ogg, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Clower, Doggett, Kothmann, Mauzy, Patman and Santiesteban.

Absent-excused: McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### **RECORD OF VOTES**

Senators Mauzy, Aikin, Clower, Gammage and Doggett asked to be recorded as voting "Nay" on the final passage of the bill.

#### **BILLS AND RESOLUTIONS SIGNED**

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

**H.B. 525**

**H.B. 504**

**H.B. 197**

**H.B. 325**

**H.B. 326**

**H.B. 114**

**H.B. 932**

**H.B. 1346**

**H.B. 1017**

**H.B. 2173**

**H.B. 1887**

**H.B. 1372**

**H.B. 1619**

**H.B. 1751**

**H.B. 1581**

**H.B. 1579**

**H.B. 1554**

**H.B. 1530**

**H.B. 1349**

**H.B. 977**

**H.B. 1002**

H.B. 1019  
H.B. 630  
H.B. 641  
H.B. 756  
H.B. 868  
H.B. 923  
H.B. 965  
H.B. 1688  
H.B. 280  
H.B. 1061  
H.B. 1139  
H.B. 1278  
H.B. 1321  
H.B. 1886  
H.B. 2096  
H.B. 2162  
H.B. 2171  
H.B. 2177  
H.B. 226  
H.C.R. 81  
H.C.R. 119  
H.C.R. 120  
S.C.R. 34  
S.C.R. 35  
S.C.R. 41  
S.C.R. 42  
S.C.R. 44  
S.B. 699  
S.B. 943

#### EXECUTIVE SESSION

The President announced that the time had arrived for an Executive Session of the Senate. (Senator McKinnon having given notice on yesterday.)

Senator Mauzy moved that Senate Rule 41 be suspended in order to consider nominations scheduled for today in open session.

The motion was lost by the following vote: Yeas 10, Nays 20.

Yeas: Aikin, Braecklein, Brooks, Clower, Doggett, Gammage, Mauzy, Patman, Schwartz and Sherman.

Nays: Adams, Andujar, Creighton, Farabee, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, McKinnon, Meier, Mengden, Moore, Ogg, Santiesteban, Snelson, Traeger and Williams.

Absent-excused: McKnight.

Accordingly, the President at 11:00 o'clock a.m. directed all those not entitled to attend the Executive Session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the Executive Session, the President called the Senate to order As In Legislative Session at 11:49 o'clock a.m. today.

The President asked if there were motions to sever nominees.

On the motion of Senator McKinnon and by unanimous consent, the nomination of Natt Burke Holman to be a Member of the Texas Water Rights Commission was severed and returned to the State Affairs Committee, Sub-Committee on Nominations.

Senator Schwartz requested the severance of the nomination of Joe C. Bridgefarmer to be a Member of the Texas Air Control Board.

Question on confirmation of Mr. Bridgefarmer, the nominee was confirmed by the following vote: Yeas 25, Nays 4.

Yeas: Adams, Aikin, Andujar, Braecklein, Clower, Creighton, Farabee, Hance, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Sherman, Snelson, Traeger and Williams.

Nays: Brooks, Doggett, Gammage and Schwartz.

Absent: Harrington.

Absent-excused: McKnight.

Senator McKinnon then moved confirmation of the remaining nominees reported by the Committee on State Affairs, Sub-Committee on Nominations.

The following nominees were then confirmed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: McKnight.

#### NOMINEES CONFIRMED

Members, Texas Youth Council: For a six-year term to expire September 1, 1979: Mrs. Robert M. Ayres, Jr. of San Antonio, Bexar County is replacing Mr. Louis Henna of Austin whose term expired.

For a six-year term to expire September 1, 1977: Mr. Don R. Workman of Lubbock, Lubbock County is replacing Mr. Robert W. Kneebone of Houston who resigned.

For a six-year term to expire August 31, 1975: Dr. George J. Beto of Huntsville, Walker County is being appointed pursuant to S.B. 278, 64th Legislature, Regular Session.

For a six-year term to expire August 31, 1977: Mr. Ruben Schaeffer of El Paso, El Paso County is being appointed pursuant to S.B. 278, 64th Legislature, Regular Session.

For a six-year term to expire August 31, 1979: Mr. Howard J. Middleton, Jr. of Houston, Harris County is being appointed pursuant to S.B. 278, 64th Legislature, Regular Session.

Members, Battleship Texas Commission: For a six-year term to expire May 1, 1979: Mr. T. C. Selman of Freeport, Brazoria County is replacing Mr. Lloyd J. Gregory of Houston who resigned.

For a six-year term to expire May 1, 1981: Mr. Joe L. Matthews of Fort Worth, Tarrant County is replacing Mr. Richard C. Gusman of Bay City whose term expired.

Members, Texas Board of Mental Health and Mental Retardation: For a six-year term to expire January 31, 1975: Dr. Margaret Cigarroa of Laredo, Webb County is replacing Dr. Leonides G. Cigarroa of Laredo who is deceased.

For a six-year term to expire January 31, 1981: Mrs. H. E. Butt of Corpus Christi, Nueces County is being reappointed; Dr. Margaret Cigarroa of Laredo, Webb County is being reappointed; Mr. Edwin Ray VanZandt of Beaumont, Jefferson County is being reappointed.

Members, Texas Board of Private Investigators and Private Security Agencies: For a six-year term to expire January 31, 1981: Mr. George A. Smith, Jr. of Dallas, Dallas County is being reappointed; Mr. Robert C. Taylor of Houston, Harris County is being reappointed.

Member, Board of Regents of State Senior Colleges: For a six-year term to expire January 10, 1981: Mr. John S. Cargile of San Angelo, Tom Green County is replacing Mr. Dee Kelly of Fort Worth whose term expired.

Member, Board of Regents of Texas Woman's University: For a six-year term to expire January 10, 1981: Dr. Lauro G. Guerra of McAllen, Hidalgo County is replacing Mrs. W. O. Bowers III of San Antonio whose term expired.

Members, Board of Directors of the Trinity River Authority: For a six-year term to expire March 15, 1981: The Honorable Larry G. Browder of Coldspring, San Jacinto County is replacing Mr. James Leslie Browder, Jr. of Coldspring whose term expired; Mr. Paul Hamilton Cauthan, Jr. of Trinity, Trinity County is being reappointed; Mr. Phillip N. Jeffers of Ferris, Ellis County is replacing Mr. Lynn B. Griffith of Waxahachie whose term expired; Mr. Donald F. Dean of Madisonville, Madison County is replacing Dr. Jesse B. Heath of Madisonville whose term expired;

Mr. F. L. Thompson of Leona, Leon County is replacing Mr. Dudley Wilson of Leona whose term expired; Mr. Edward Nash of Kaufman, Kaufman County is being reappointed; Mr. Charles G. Purnell of Dallas, Dallas County is replacing Mr. Roy E. Pitts of Dallas whose term expired.

For a six-year term to expire March 15, 1979: Mr. Roy E. Pitts of Dallas, Dallas County is replacing Mr. Donald F. Dean of Madisonville who resigned.

Members, Water Quality Board: For a six-year term to expire September 1, 1975: Mr. Frank Lewis of Bay City, Matagorda County is replacing Mr. Lester Clark of Breckenridge who resigned.

For a term from June 18, 1974 to March 24, 1975: Mr. Clyde Johnson of Bulverde, Comal County is replacing Mr. Gordon Fulcher of Atlanta who is deceased.

Member, Parks and Wildlife Commission: For a six-year term to expire February 1, 1981: Mr. Joe Kirk Fulton of Lubbock, Lubbock County is being reappointed.

Member and Chairman, Parks and Wildlife Commission: For a six-year term to expire February 1, 1981: Mr. J. Pearce Johnson of Austin, Travis County is being reappointed.

#### **MOTION TO TAKE RECESS**

Senator Aikin moved that the Senate take recess until 2:15 o'clock p.m. today subject to the conclusion of the Joint Session.

#### **JOINT SESSION**

##### **(To Sign Senate Joint Resolution 11)**

The President of the Senate and the Senators present escorted by the Sergeant-at-Arms and the Secretary of the Senate, proceeded to the Hall of the House of Representatives at 12:00 o'clock m., pursuant to the provisions of H.C.R. 132.

The Senators were announced and were admitted and escorted to seats prepared for them along the aisle.

The Honorable Dolph Briscoe and Mrs. Briscoe; The Honorable John B. Connally and Mrs. Connally; The Honorable Price Daniel, Sr. and Mrs. Daniel and The Honorable Price Daniel, Jr. were announced by the Doorkeeper of the House.

The Official Party was escorted to the Speaker's Rostrum by Senators Aikin and Gammage on the part of the Senate and Representatives Hutchison, Geiger and Sullivan on the part of the House.

The President called the Senate to order and announced a quorum of the Senate present.

The Honorable Bill Clayton, Speaker of the House of Representatives, called the House to order, stated the purpose of the Joint Session, and announced a quorum of the House present.

Dr. Ralph Smith, Chaplain of the House of Representatives, offered the invocation.

The Speaker presented the Concert Chorale of L.B.J. High School of Austin, Jim Shepherd, Conductor, who performed for the Joint Session.

The Speaker then presented The Honorable William P. Hobby, who addressed the Joint Session as follows:

"It is a pleasure to be here among so many distinguished citizens to mark the presentation of a proposed new constitution to the people of Texas. It was a long and convoluted road, with more than one detour, that brought us here today. A number of you walked that road for many miles.

"Our journey truly began only shortly after the 1876 ratification of our present constitution. It did not take long, only a few years, to see that a constitution which was tailor-made for the particular conditions of a particular time could prove dangerously restrictive and troublesome as that time and the conditions which were present then became the subjects of history lessons. Different times called for constant alterations so that now the original document is in danger of cratering under its own weight or falling apart at seams worn too thin.

"We know now that a Constitution must be timeless. It must be a basic document designed to guarantee the effective, democratic functioning of government today, next year, ten years from now, one hundred and ten years from now.

"But, such a Constitution is not easily written. To succeed is to rely on compromise which is often the basis for success under a democratic system.

"If I wrote the Constitution alone, it would be for me and it would be limited to my ideas, and you would not like it. A similar situation would exist if any one of you wrote the Constitution. However, if we all get together and write a Constitution, I might not like some parts and you might not like others, but each of us would be satisfied with the whole and the people would have been well served. This is exactly what has been done, with the help of the Constitutional Revision Commission, the members of the Texas Legislature and the people themselves.

"The proposed Constitution which is being presented today is a good, basic document. It is not perfect, because we are not perfect. But, it is an admirable and impressive Constitution. Its adoption will free our government from the shackles it has worn for almost one hundred years.

"It will give our government the tools it needs to maintain our state's tradition of independence--of taking care of itself. It will give our people the guarantees they need to exercise the freedom and rights which are their most important inheritance. It will give us a tradition of vision and wisdom to pass on to future generations.

"There are many groups and individuals whose time and talents went into the making of this proposed constitution. I am glad I have not been put in charge of writing notes of appreciation because I would still be writing this time next year. But, I would like to express my appreciation and the appreciation of the people of Texas to the men and women who served on the Constitutional Revision Commission.

"The C.R.C. was given a big job and it did the job expertly. When our people called for the 1974 Constitutional Convention, they authorized the creation of a Commission to study constitutional revision and to present a recommended revision to the Convention.

"The C.R.C. laid the groundwork. They studied each provision of each article. They looked into the constitutions of other states. They heard the testimony of experts. They traveled throughout the state to listen to the views of the citizens. And then, the members of the Commission sat down and wrote an impressive new Constitution which was presented to the Convention.

"Their work is easily visible in the revised Constitution we present today. In fact, I am not at all sure we would be here today without their efforts.

"Each member of the C.R.C. has a place in history, but I do not know of one of them who sought it. They only wanted to work with our people in redrafting our

Constitution in a thorough, professional, visionary manner. They succeeded. And, their success is our success.

"This day is meaningful to me as it is to all who admire the functioning of democracy. For, if there is any one statement to make today, it is that this proposed Constitution promises the continuation of democratic government in Texas for years to come."

Speaker Bill Clayton then addressed the Joint Session, as follows:

"Today we present the people of Texas with a new Constitution. It is a document that is symbolic of a new Texas--a Texas that has grown from a wild frontier to a modern industrial and agricultural state.

"We have made great strides in the last hundred years, and now we stand upon a new threshold--a threshold of progress and vision, and above all, a threshold of hope.

"We have realized that time has brought forth changes. We realize we can no longer live by horse-and-buggy laws in a supersonic age.

"The words of a 19th century Italian statesman ring true: 'Slumber not in the tents of your fathers,' he said. 'The world is advancing. Advance with it.'

"So we have learned that to adapt is not to vacillate. To adjust is not to compromise. To amend is not to retreat. Discarding the old does not spoil the new. On the contrary, the document we are sending to the voters allows us to meet the challenges of tomorrow without hindering us today. It allows us to act expediently in an age of expedience.

"But we must always remember that expediency must not replace democracy. The principles of our country and state are lasting. They cannot and must not be replaced. Guaranteed within our constitution are the rights of freedom, equality and justice. Progress does not alter these rights.

"A former esteemed Governor of this state, Allen Shivers, once said, 'Because of our Constitution, we Americans have no one to whom we must account except our fellow citizens. Our government is always subject to the will of the people. America will never be liquidated if it continues to preserve, protect and defend the Constitution of the United States, and as long as we are alert and vigilant, America will continue to be the greatest country on earth.'

"This proposed new Constitution preserves those rights and maintains the greatness of our state. I look upon this document as a gift, not only to the people of this state, but to the nation. Next year we will celebrate this nation's 200th birthday. All that has been accomplished in the span of 200 years was the result of a dedicated struggle to create a viable system of government. Our country was not founded by one man or one stroke of genius. It is a process that does not cease. It is change in action. History will record the deeds we do here as part of that action.

"John D. Rockefeller calls it 'The American Renaissance that draws inspiration from the founding principles of our society.'

"It is with this in mind that we present a new Constitution which I believe reflects our willingness as Texans to continue the American Renaissance.

"We have met the challenge before us. We have delivered what I think is a Constitution that will allow Texas to meet the challenges of tomorrow.

"There's a scripture in the 14th Chapter of Luke which reads, 'For which of you, intending to build a tower, sitteth not down first, and counteth the cost, whether he have sufficient to finish it? Lest haply, after he hath laid the foundation, and is not able to finish it, all that behold it begin to mock him, saying, This man began to build and was not able to finish.'

"There were those who mocked us after the Constitutional Convention saying that we did not deliver, that we did not lay the foundation. However, we had a vision; we laid a foundation; and those of you who sit here today can now say with pride that we had 'sufficient to finish.' We present this document knowing that we have



accomplished what we set out to do. The final decision now rests in the hands of the people.

"Thank You."

Speaker Clayton presented The Honorable Price Daniel, Jr., President of the Constitutional Convention of 1974, who addressed the Joint Session as follows:

"Thank you, Mr. Speaker, I know my father was glad to hear that junior in a hurry.

"Governor, Governor Hobby, Speaker Clayton, Governor Connally, Governor Daniel, other distinguished platform guests, delegates to the Constitutional Convention of 1974, members of the House and Senate, members of the Constitutional Revision Commission, ladies and gentlemen:

"It is a real pleasure to return to this podium and to this microphone on such a pleasant occasion and to observe so many smiling faces, happy faces for the last time that I was here, late one night in the summer of 1974, I sensed the slight air of tension and anxiety as the voting machine broke down for 25 minutes. I understand that those troubles are continuing, Mr. Speaker. As a matter of fact this morning you are having some difficulty.

"You know, looking back at the history of constitutional revision in Texas, you will find many happy moments such as this, many setbacks, many victories, many frustrations, and other similar emotions and feelings and events that are inevitable whenever an undertaking of this magnitude spanning such a period of time as we have experienced here in Texas. Looking at those pages of history one might recall or remember three young members of the Texas House of Representatives in this very chamber working diligently for the passage of a resolution calling for the assembly of a constitutional convention. Yes, back in 1901 when Pat Neff and Tim Connally and John Nance Garner in this very hall fought diligently and valiantly, but unsuccessfully, for the call of the constitutional convention.

"And then Pat Neff, moving on to the office of governor of the State of Texas, when he addressed the legislature of 1922, called for them to set in motion a constitutional convention. A call that went unheeded, but yet Governor Neff stumped the state making some of the most eloquent pleas ever made in the history of this state for constitutional revision. And virtually every governor since Governor Neff has supported, or worked for, or called upon the legislature to set in motion constitutional revision, a new constitution for this state. Governor Shivers in endorsing Amendment Number Four stated the time has come when Texas can no longer afford the luxury of this antiquated, overly-long constitution.

"And Governor Daniel in every biennial message to the legislature included the call for constitutional revision.

"And Governor Connally in his last message to the legislature said that 'I would be negligent in this last duty if I failed to stress again the urgency of one pressing and all-encompassing need that lies before you. For state government to continue to serve a useful purpose and in order to protect the treasure of state's rights, the Texas constitution must be revised.'

"And Lieutenant Governor Hobby who campaigned statewide for Amendment Number Four and provided advice and counsel and leadership during the Constitutional Convention of 1974.

"And in reviewing this history of constitutional revision in Texas, I mentioned but a handful of the many, many statewide elected leaders who have provided leadership in our efforts to bring about a new constitution for the people of this state to consider.

"And this does not include or mention the many, many others who have participated, who have advocated constitutional revision and championed the cause of giving the people of this state an opportunity to consider a new constitution.

"From the League of Women Voters to the media, to the newspapers of this state; the Austin American-Statesman, the Dallas papers, the Houston Post, radio and television, who have not only devoted time and coverage to constitutional revision throughout the years but who have editorially called for a new constitution and a good one.

"From the Texas Jaycees to the organization formed specifically to promote constitutional revision, that being the Citizens for Texas.

"The members of the Sixty-second Legislature, lead by the freshman class in the Texas House of Representatives: Ben Bynum, Nelson Wolff, Joe Wyatt, and Tim Von Dohlen, who sponsored in the House and led the fight for Amendment Four, which ultimately after favorable approval by the voters, resulted in the Constitutional Revision Commission and the Convention of 1974.

"And the members of the Constitutional Revision Commission, as Governor Hobby so well stated a moment ago. Their tremendous contribution to the convention and to the drafting of this new constitution will always be remembered and be recorded in the annals of our history.

"To Judge Calvert and Mrs. Milburn, who so ably led and directed that commission.

"And the delegates to the Constitution Convention of 1974; Dean Aikin, on the podium, who served as vice-president; Senator Sherman, who labored mightily as chairman of the Style and Drafting Committee; and the many other chairmen and vice-chairmen; and the delegates themselves.

"The members of the Sixty-third Legislature, who planned for that convention, under the leadership of Chairman Hale in the House and Chairman Wolff in the Senate.

"Attorney General Hill, who provided legal advice, assistance, and counsel throughout the convention and throughout this present session of the legislature, in helping to bring about the moment that we have here today.

"And there are so many others whose contributions have been unrecognized. Jim Ray, who served as the executive director of not only the Constitutional Convention of 1974 but also as executive director of the Constitutional Revision Commission.

"And last and most important, you the members of the Texas House and the Texas Senate of the Sixty-fourth Legislature under the able leadership of Governor Hobby and Speaker Clayton. You are the ones who have taken the action resulting in the people of the State of Texas having their first opportunity in a hundred years to adopt a new constitution for this state. You are to be commended for what you have done for this opportunity that you have afforded the people of this state.

"Where do we go from here from this happy occasion? There is much to be done. We must return to our homes and to our people and continue our efforts to inform, discuss, and debate the merits of the new constitution as compared to the Constitution of 1876. And we have a big job before us because there will always be forecasters of doom. There will be those who feel that their special projects or prejudices or pets were not treated as they should have been in the new constitution, who will concentrate on those special interests and rather than looking at the document as a whole and comparing it to the Constitution of 1876, will raise smoke screens and side issues in an effort to defeat this new constitution.

"There will be those who will say that this may happen or that may happen under the new constitution, or that the new constitution could cost or may cost 'x' amount of dollars. I could stand before you here today and say that if the new constitution is not adopted it may cost the people of Texas 20 billion dollars or 30 billion dollars and it could. It depends on our legislature and decisions made by the legislature under the new or under the old. But what we must do, those who have participated, those who care, those who believe in this new constitution, must return to our homes and on a positive note, point out what will happen under the new

constitution--what good can be done for the people of the State of Texas, how we can save money, both at the state level and at the city level and at the county level. This must be done by us. We know the document. We worked with it--whether it was in the Sixty-fourth Legislature, the Constitutional Convention, the Sixty-third Legislature, the Sixty-second Legislature, or on the Constitutional Revision Commission. We have worked at it day and night. We know we are in a position to inform and to discuss and to debate openly, candidly, frankly, fairly, and positively rather than falling prey to the special considerations or to the forecasts that are so easy to make under the old or under the new.

"I hope that those of you when this session is over will give serious consideration to spending as much time as possible in this process of informing and discussing and debating around the state. We have a golden opportunity in November to give ourselves the greatest gift that we could possibly think of on the eve of the bicentennial of this great nation. An opportunity for our children and our grandchildren to live in a better state, to function under a better government, through the adoption of this new constitution."

#### RESOLUTION SIGNED

The President and Speaker of the House announced the signing in the presence of the Joint Session after the caption had been read, the following enrolled resolution:

#### S.J.R. 11

The President then presented a ceremonial scroll signed by all Delegates to the Constitutional Convention of 1974 and an enrolled copy of S.J.R. 11 to The Honorable Dolph Briscoe, Governor of Texas.

Governor Briscoe signed S.J.R. 11 and then addressed the Joint Session, as follows:

"Thank you Governor Hobby.

"A hundred years ago the people of Texas were presented a Constitution in the aftermath of war and reconstruction. They voted their approval, and it has served us well throughout a century of change and progress.

"Today, in another time, we are presented a new Constitution submitted by the Legislature to provide the governmental structuring for perhaps another hundred years of Texas life.

"On behalf of all of the people of Texas, it is a great privilege to accept this very historic document.

"The action of the 64th Legislature in approving Senate Joint Resolution 11, culminates the dedicated efforts of thousands of concerned Texans over a good many years to prepare a new State Constitution for submission to the citizens of Texas.

"In November, 1972, the voters of this State asked that a revision of our present Constitution be undertaken and that alternatives to the Constitution of 1876 be presented for consideration by our voters. The people of Texas have asked for--and deserve--the opportunity you have herein provided for the citizens themselves to determine the fundamental law of the great State of Texas.

"It was a great honor for me, as Governor, to address the members of the Texas Constitutional Convention as they began their deliberations in January of 1974; and it is with a deep sense of pride that today, on behalf of the people of Texas, I accept the results of these deliberations as written in this proposed Constitution."

**RECESS**

The President announced the purpose of the Joint Session had been concluded and declared the Senate at 12:50 o'clock p.m. recessed until 2:15 o'clock p.m. today in accordance with a motion previously adopted by the Senate.

**AFTER RECESS**

The Senate met at 2:15 o'clock p.m. and was called to order by the President.

**PRESENTATION OF GUESTS**

The President presented as Guests of the Senate the Members of the Board of Regents of the State Senior College System.

**HOUSE BILL 1924 ON SECOND READING**

On motion of Senator Sherman and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 1924**, A bill to be entitled An Act relating to vehicle registration dates; amending Subsection (a) of Section 4, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6675a-4(a), Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time and was passed to third reading.

**HOUSE BILL 1924 ON THIRD READING**

Senator Sherman moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1924** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Traeger and Williams.

Absent: Gammage, Harrington, Harris and Snelson.

Absent-excused: McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**SENATE CONCURRENT RESOLUTION 90**

Senator Harris offered the following resolution:

**S.C.R. 90**, Requesting Governor to return **H.B. 208** to House for further consideration.

On motion of Senator Harris and by unanimous consent, the resolution was considered immediately and was adopted.

#### **HOUSE BILL 1316 ORDERED NOT PRINTED**

On motion of Senator Jones and by unanimous consent, **H.B. 1316** was ordered not printed.

#### **HOUSE BILL 1316 ON SECOND READING**

On motion of Senator Jones and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 1316**, A bill to be entitled An Act relating to deposits of revenue from mineral leases on park lands; amending Section 16, Chapter 325, Acts of the 52nd Legislature, Regular Session, 1951 (Article 5382d, Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time and was passed to third reading.

#### **HOUSE BILL 1316 ON THIRD READING**

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1316** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Traeger and Williams.

Absent: Gammage, Harrington, Harris, Moore and Snelson.

Absent-excused: McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### **HOUSE BILL 141 ON SECOND READING**

On motion of Senator McKinnon and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 141**, A bill to be entitled An Act relating to contractors' performance and payment bonds and certain liens for contracts over a certain amount; amending Subdivision A, Article 5160, Revised Civil Statutes of Texas, 1925, as amended, and

Section 1, Article 5472a, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

The bill was read second time and was passed to third reading.

#### **HOUSE BILL 141 ON THIRD READING**

Senator McKinnon moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 141** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harris, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Jones.

Absent: Harrington.

Absent-excused: McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

Senator Jones offered the following amendment to the bill:

Amend **H.B. 141** by striking the figure "\$15,000" on lines 18 and 57 of the Senate Printing and substitute in lieu thereof the figure "\$10,000".

The amendment was read and failed of adoption.

The bill was then finally passed.

#### **RECORD OF VOTES**

Senators Jones and Sherman asked to be recorded as voting "Nay" on the final passage of the bill.

#### **VOTE BY WHICH SENATE REFUSED TO CONCUR IN HOUSE AMENDMENTS TO SENATE BILL 519 RECONSIDERED**

On motion of Senator Sherman and by unanimous consent, Senate Rule 23 was suspended in order to reconsider the vote by which the Senate refused to concur in House amendments to **S.B. 519**.

On motion of Senator Sherman and by unanimous consent, the vote by which the Senate refused to concur in the House amendments to **S.B. 519** was reconsidered.

Question - Shall the Senate concur in the House amendments to **S.B. 519**?

Senator Sherman moved to concur in the House amendments.

The motion prevailed.

#### **HOUSE BILL 188 ON SECOND READING**

On motion of Senator McKinnon and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 188**, A bill to be entitled An Act relating to the appointment of heads of fire and police departments in cities with firemen's and policemen's civil service commissions; amending Subdivision (6), Subsection D, Section 14, Chapter 325, Acts of the 50th Legislature, 1947, as amended (Article 1269m, Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time and was passed to third reading.

#### **RECORD OF VOTES**

Senators Mauzy, Clower, Lombardino, Williams, Adams and Santiesteban asked to be recorded as voting "Nay" on the passage of the bill to third reading.

#### **MOTION TO PLACE HOUSE BILL 188 ON THIRD READING**

Senator McKinnon moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 188** be placed on its third reading and final passage.

The motion was lost by the following vote (Not receiving four-fifths vote of the Members present): Yeas 19, Nays 11.

Yeas: Adams, Andujar, Braecklein, Brooks, Doggett, Farabee, Hance, Harrington, Harris, Jones, Longoria, McKinnon, Meier, Moore, Ogg, Schwartz, Sherman, Snelson and Traeger.

Nays: Aikin, Clower, Creighton, Gammage, Kothmann, Lombardino, Mauzy, Mengden, Patman, Santiesteban and Williams.

Absent-excused: McKnight.

#### **SENATE BILL 1054 ON SECOND READING**

On motion of Senator Schwartz and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 1054**, A bill to be entitled An Act amending Chapter 409, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 7621d-2, Vernon's Texas Civil Statutes, as amended); authorizing the Gulf Coast Waste Disposal Authority to contract for and perform the first phase of a subsidence control program in Harris and Galveston Counties; providing for other matters relating to the subject; providing for severability; and declaring an emergency.

The bill was read second time and was passed to engrossment.

**SENATE BILL 1054 ON THIRD READING**

Senator Schwartz moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1054** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: McKnight.

**LEAVE OF ABSENCE**

Senator Harrington was granted leave of absence for the remainder of today on account of important business on motion of Senator Brooks.

**MOTION TO PLACE  
HOUSE BILL 519 ON THIRD READING**

Senator Mauzy asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**H.B. 519**, A bill to be entitled An Act relating to settlement and release of liability; and declaring an emergency.

There was objection.

Senator Mauzy then moved to suspend the regular order of business and take up **H.B. 519** for consideration at this time.

The motion was lost by the following vote (Not receiving two-thirds vote of the Members present): Yeas 16, Nays 13.

Yeas: Aikin, Braecklein, Brooks, Clower, Doggett, Gammage, Hance, Kothmann, Longoria, Mauzy, Meier, Ogg, Patman, Santiesteban, Schwartz and Williams.



Nays: Adams, Andujar, Creighton, Farabee, Harris, Jones, Lombardino, McKinnon, Mengden, Moore, Sherman, Snelson and Traeger.

Absent-excused: Harrington and McKnight.

**MOTION TO PLACE  
COMMITTEE SUBSTITUTE SENATE BILL 448 ON SECOND READING**

Senator Mauzy asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**C.S.S.B. 448**, A bill to be entitled An Act defining certain terms as used herein; prescribing employment contracts of a specified duration for certain teachers in this State; prescribing causes for which and procedures by which a person holding such contracts may be discharged or such contracts may be terminated; and declaring an emergency.

There was objection.

Senator Mauzy then moved to suspend the regular order of business and take up **C.S.S.B. 448** for consideration at this time.

The motion was lost by the following vote (Not receiving two-thirds vote of the Members present): Yeas 18, Nays 11.

Yeas: Adams, Aikin, Braecklein, Brooks, Clower, Doggett, Gammage, Hance, Kothmann, Lombardino, Longoria, Mauzy, Patman, Santiesteban, Schwartz, Sherman, Snelson and Williams.

Nays: Andujar, Creighton, Farabee, Harris, Jones, McKinnon, Meier, Mengden, Moore, Ogg and Traeger.

Absent-excused: Harrington and McKnight.

**MOTION TO PLACE  
COMMITTEE SUBSTITUTE SENATE BILL 449 ON SECOND READING**

Senator Mauzy asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**C.S.S.B. 449**, A bill to be entitled An Act providing that boards of trustees consult with representatives of teachers and groups of auxiliary personnel employed in a school district under certain conditions; providing certain procedures to be followed in consultations between boards of trustees and representatives of teachers and groups of auxiliary personnel; providing means for representation in consultations for boards of trustees, teachers and groups of auxiliary personnel; providing authorization for certain agreements; providing means for advisory assistance in consultations between boards of trustees and representatives of teachers and groups of auxiliary personnel; providing certain persons with the right to be heard by boards of trustees; providing that boards of trustees establish methods for effective communication with administrators; providing that this Act in no way diminish the powers of principals or superintendents as provided in Section 16.08 of the Texas Education Code; defining certain terms; repealing certain laws; and declaring an emergency.

There was objection.

Senator Mauzy then moved to suspend the regular order of business and take up **C.S.S.B. 449** for consideration at this time.

The motion was lost by the following vote (Not receiving two-thirds vote of the Members present): Yeas 15, Nays 14.

Yeas: Aikin, Braecklein, Brooks, Clower, Doggett, Gammage, Hance, Kothmann, Lombardino, Mauzy, Patman, Santiesteban, Schwartz, Snelson and Williams.

Nays: Adams, Andujar, Creighton, Farabee, Harris, Jones, Longoria, McKinnon, Meier, Mengden, Moore, Ogg, Sherman and Traeger.

Absent-excused: Harrington and McKnight.

**MOTION TO PLACE COMMITTEE SUBSTITUTE  
SENATE BILL 418 ON THIRD READING**

Senator Ogg moved to suspend the regular order of business to take up for consideration at this time:

**S.B. 418**, A bill to be entitled An Act providing for the election of delegates to the county and senatorial district convention of parties holding primary elections through election at the general primary election; amending the Texas Election Code as follows: amending Section 212, as amended (Article 13.34, Vernon's Texas Election Code); Section 61c, as amended (Article 6.05c); Section 187, as amended (Article 13.09); Subdivision 3, Section 182, as amended (Article 13.04); Subdivision 17, Section 37, as amended (Article 5.05); repealing Section 212a (Article 13.34a); and declaring an emergency.

The motion was lost by the following vote (Not receiving two-thirds vote of the Members present): Yeas 14, Nays 14.

Yeas: Andujar, Creighton, Farabee, Hance, Jones, Lombardino, McKinnon, Meier, Moore, Ogg, Santiesteban, Snelson, Traeger and Williams.

Nays: Adams, Aikin, Braecklein, Brooks, Clower, Doggett, Gammage, Harris, Kothmann, Longoria, Mauzy, Patman, Schwartz and Sherman.

Absent: Mengden.

Absent-excused: Harrington and McKnight.

**MESSAGE FROM THE HOUSE**

Hall of the House of Representatives  
Austin, Texas, May 23, 1975

Honorable William P. Hobby  
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House concurred in Senate amendments to **H.B. 2159** by record vote: Yeas 109, Nays 3, Present-Not voting 2.

Respectfully submitted,  
DOROTHY HALLMAN  
Chief Clerk, House of Representatives

(Senator Mauzy in the Chair)

#### HOUSE BILL 820 ON SECOND READING

Senator Meier asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**H.B. 820**, A bill to be entitled An Act relating to creation of a state personnel system and a state personnel board having powers, duties, and functions regarding employment policies and practices of certain state agencies; prescribing unlawful employment practices and providing penalties and other remedies; repealing the Position Classification Act of 1961 (Article 6252-11, Vernon's Texas Civil Statutes); and declaring an emergency.

There was objection.

Senator Meier then moved to suspend the regular order of business and take up **H.B. 820** for consideration at this time.

The motion prevailed by the following vote: Yeas 20, Nays 9.

Yeas: Adams, Braecklein, Brooks, Clower, Doggett, Farabee, Gammage, Hance, Jones, Kothmann, Lombardino, Mauzy, Meier, Mengden, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Aikin, Andujar, Creighton, Harris, Longoria, McKinnon, Moore, Ogg and Patman.

Absent-excused: Harrington and McKnight.

The Presiding Officer laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time.

Senator Meier offered the following Committee Amendment to the bill:

Amend Subsection (a) (1) of Section 3 of House Bill 820 by adding a new sentence at the end of said subsection to read as follows:

"The term does not include any organization created or continued pursuant to Subsection (c) of Section 67 of Article XVI of the Constitution of Texas as amended April 22, 1975."

The amendment was read.

Senator Meier offered the following substitute for the Committee Amendment:

Amend **H.B. 820**, Section 3, Subsection (1), to read as follows:

"(1) 'Agency' means any board, bureau, commission, department, division, institution, section, unit, office, service, or other element of the executive branch of state government having statewide jurisdiction. The term does not include any organization created or continued pursuant to Subsection (c) of Section 67 of Article XVI of the Constitution of Texas as amended April 22, 1975."

The substitute for the Committee Amendment was read and was adopted by the following vote: Yeas 22, Nays 7.

Yeas: Adams, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Gammage, Hance, Jones, Kothmann, Lombardino, Longoria, Mauzy, Meier, Mengden, Patman, Santiesteban, Schwartz, Sherman, Snelson and Traeger.

Nays: Aikin, Creighton, Harris, McKinnon, Moore, Ogg and Williams.

Absent-excused: Harrington and McKnight.

The Committee Amendment as substituted was then adopted.

Senator Meier offered the following Committee Amendment to the bill:

Amend **H.B. 820** by amending Section 3(a) (1) thereof to read as follows:

"(1) 'Agency' means any board, bureau, commission, department, division, institution, section, unit, office, service, or other element of the executive branch of state government having statewide jurisdiction, but not public senior colleges and universities, whether headed by elected or appointed officials and whether existing as of the effective date of this Act or thereafter established."

The Committee Amendment was read.

Senator Meier moved to table the Committee Amendment.

The motion to table prevailed by the following vote: Yeas 18, Nays 10.

Yeas: Adams, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Gammage, Jones, Kothmann, Lombardino, Mauzy, Meier, Mengden, Patman, Santiesteban, Sherman and Traeger.

Nays: Aikin, Creighton, Harris, Longoria, McKinnon, Moore, Ogg, Schwartz, Snelson and Williams.

Absent: Hance.

Absent-excused: Harrington and McKnight.

Senator Meier offered the following Committee Amendment to the bill:

Amend Subsection (1) of Section 3 of **H.B. 820** by repealing Committee Amendment No. 3 heretofore adopted, and amending said Subsection (1) to read as follows:

"(1) 'Agency' means any board, bureau, commission, department, division, institution, section, unit, office, service, or other element of the executive branch of state government having statewide jurisdiction. ~~It and public senior colleges and universities, whether headed by elected or appointed officials and whether existing as of~~

~~the effective date of this Act or thereafter established.]"~~.

The Committee Amendment was read.

On motion of Senator Meier the Committee Amendment was tabled.

Senator Meier offered the following Committee Amendment to the bill:

Amend Section 4, Subsection (b) of **H.B. 820** by adding a new Subparagraph (7) as follows:

"(7) Agencies with Statewide jurisdiction having a majority of their employees operating and/or officed in counties of this State, exclusive of Travis County. Provided, however, that any agency which otherwise would be included within this Act, may voluntarily elect to so participate."

The Committee Amendment was read.

Senator Meier offered the following substitute for the Committee Amendment.

Amend **H.B. 820**, as engrossed, as follows:

Amend Section 4, Subsection (b)(5).

(1) On page 3, line 19, delete "and".

And at (b)(6):

(2) On page 3, line 21, strike the period and substitute "and".

(3) On page 3, after line 21, add the following:

"(7) employees whose position title appears as a separate item in the General Appropriations Act and whose salary follows the position title in the General Appropriations Act as a monetary annual sum and is not included in the classification salary schedule."

(4) and delete Subsection (b)(3) renumbering the following subsections accordingly.

The substitute for the Committee Amendment was read.

Question - Shall the substitute for the Committee Amendment be adopted?

#### NOTICES OF INTENT

The following Notices of Intent were filed with the Secretary of the Senate:

**C.S.S.B. 69** - Senator Moore  
**C.S.S.B. 109** - Senator Mauzy  
**C.S.S.B. 110** - Senator Mauzy  
**C.S.S.B. 116** - Senator Mengden  
**C.S.S.B. 117** - Senator Mengden  
**S.B. 196** - Senator Santiesteban (Third reading)  
**C.S.S.B. 250** - Senator Mauzy  
**S.B. 257** - Senator Mauzy  
**C.S.S.B. 272** - Senator Doggett  
**S.B. 317** - Senator Mengden  
**S.B. 378** - Senator Tracger  
**S.B. 418** - Senator Ogg (Third reading)  
**C.S.S.B. 448** - Senator Mauzy  
**C.S.S.B. 449** - Senator Mauzy  
**S.B. 481** - Senator Tracger

C.S.S.B. 526 - Senator Harrington  
S.B. 530 - Senator Traeger  
S.B. 594 - Senator Braecklein  
S.B. 614 - Senator Clower  
S.B. 638 - Senator Brooks  
S.B. 656 - Senator Andujar  
C.S.S.B. 706 - Senator Mauzy  
S.B. 708 - Senator Mauzy  
S.B. 725 - Senator Patman  
S.B. 779 - Senator Mengden  
C.S.S.B. 781 - Senator Mengden  
S.B. 847 - Senator Hance  
S.B. 879 - Senator Patman  
C.S.S.B. 884 - Senator Hance  
S.B. 899 - Senator Mauzy  
S.B. 919 - Senator Ogg  
C.S.S.B. 939 - Senator Mauzy  
S.B. 945 - Senator Lombardino  
S.B. 973 - Senator Santiesteban  
S.B. 974 - Senator Santiesteban  
S.B. 976 - Senator Santiesteban  
S.B. 987 - Senator Ogg  
C.S.S.B. 1022 - Senator Mengden  
C.S.S.B. 1023 - Senator Mengden  
S.B. 1050 - Senator Patman  
S.B. 1097 - Senator Lombardino  
S.B. 1123 - Senator Moore  
H.B. 42 - Senator Mauzy (Third reading)  
H.B. 50 - Senator Ogg  
H.B. 82 - Senator Mauzy (Third reading)  
H.B. 109 - Senator Mauzy  
H.B. 392 - Senator Snelson  
H.B. 431 - Senator Brooks  
H.B. 519 - Senator Mauzy (Third reading)  
H.B. 570 - Senator Doggett  
H.B. 688 - Senator Brooks  
C.S.H.B. 819 - Senator Moore  
H.B. 820 - Senator Meier  
H.B. 836 - Senator Ogg (Third reading)  
H.B. 1023 - Senator Aikin  
H.B. 1097 - Senator Meier  
H.B. 1379 - Senator Jones  
H.B. 1538 - Senator Jones  
H.B. 1570 - Senator Ogg  
H.B. 1892 - Senator Aikin  
H.B. 1953 - Senator Jones  
H.B. 2003 - Senator Brooks  
H.B. 2021 - Senator Hance  
H.B. 2136 - Senator Snelson

#### MEMORIAL RESOLUTION

S.R. 608 - By Senators Lombardino, Traeger and Kothmann: Memorial resolution for Marine Private First Class Antonio R. Sandoval.